

Montana Commissioner of Political Practices Election & Electioneering Communication GUIDANCE

What does Montana Law say?

Election Communications:

13-1-101(14), MCA, defines an election communication:

(a) "Election communication" means the following forms of communication to **support or oppose a candidate or ballot issue**:

- (i) a **paid advertisement broadcast over radio, television, cable, or satellite**;
- (ii) **paid placement of content on the internet** or other electronic communication network;
- (iii) a **paid advertisement published in a newspaper or periodical or on a billboard**;
- (iv) a **mailing**; or
- (v) **printed materials**.

(b) The term does not mean:

- (i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;
- (ii) a communication that does not support or oppose a candidate or ballot issue;
- (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;
- (iv) a communication by any membership organization or corporation to its members, stockholders, or employees; or
- (v) a communication that the commissioner determines by rule is not an election communication.

Electioneering Communications:

13-1-101(16), MCA, defines an electioneering communication:

(a) "Electioneering communication" means **a paid communication** that is **publicly distributed** by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or **any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue**, and that:

- (i) **refers to one or more clearly identified candidates** in that election;
- (ii) **depicts the name, image, likeness, or voice of one or more clearly identified candidates** in that election; **or**
- (iii) **refers to a political party, ballot issue, or other question submitted to the voters** in that election.

(b) The term does not mean:

- (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;
- (ii) a communication by any membership organization or corporation to its members, stockholders, or employees;
- (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;
- (iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or
- (v) a communication that the commissioner determines by rule is not an electioneering communication.